

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

_____)	
FELIPE DE JESUS AVILA-SOTO, et al.)	
)	Case No. 6:24-cv-01392
Plaintiffs,)	
)	JUDGE ROBERT R. SUMMERHAYS
v.)	
)	MAGISTRATE JUDGE CAROL B.
)	WHITEHURST
SOUTH CENTRAL SUGAR CANE)	
GROWERS' ASSOCIATION, INC., et al.)	
)	
Defendants.)	
_____)	

**PLAINTIFFS' MOTION FOR 29 U.S.C. § 216(B) NOTICE TO SIMILARLY SITUATED
WORKERS AND FOR DISCLOSURE OF CONTACT INFORMATION**

Plaintiffs are truck drivers brought to the United States by Defendants to work pursuant to the H-2A temporary foreign worker visa program hauling harvested sugarcane in semi-trucks within Louisiana. They allege that Defendants failed to pay them and other similarly situated heavy tractor-trailer truck drivers overtime wages as required by the Fair Labor Standards Act. (Compl. ¶¶ 75-81) (ECF No. 1.)

Pursuant to 29 U.S.C. § 216(b), Plaintiffs move the Court for an order finding that they are similarly situated to Defendants' other H-2A truck drivers and authorizing the sending of a proposed notice. (Ex. 1.) Plaintiffs seek approval for notice to similarly situated workers defined as:

All individuals admitted as H-2A temporary foreign workers who were employed by Defendants as truck drivers hauling harvested sugarcane within the state of Louisiana at any time between 2022 and the present.¹

¹ Although the similarly situated workers are defined as those employed by Defendants "between 2022 and the present," because of the FLSA statute of limitations the Notice will only be sent to

Plaintiffs additionally move the Court to:

1. Approve the proposed notice attached as Exhibit 1;
2. Approve the proposed methods of sending the notice;
3. Order Defendants to provide Plaintiffs the names, addresses (U.S. and foreign), email addresses, and telephone numbers (U.S., foreign, cell phone, and WhatsApp) of the similarly situated H-2A truck drivers within fourteen (14) days of entry of any order granting Plaintiffs' motion;
4. Allow ninety (90) days from the date on which Plaintiffs first send the notice for potential opt-in Plaintiffs to return their consent forms; and
5. Allow Plaintiffs to send a reminder notice to potential opt-in Plaintiffs forty-five (45) days after the initial notice was sent.

Pursuant to Local Rule 7.4.1 the Plaintiffs certify that they conferred with Defendants with respect to this motion. As part of that conferral process the Plaintiffs modified some language in the Proposed Notice to make it clearer that the FLSA claim for which they seek to send notice is related solely to unpaid overtime wages. The parties were not able to resolve other differences with respect to the motion and Defendants stated that they intend to oppose Plaintiffs' motion.

Respectfully submitted,

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individuals who were employed for at least one workweek within 3 years of the date that the Notice is disseminated.

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